IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4703 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

KRUNALKUMAR JITENDRABHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR MURALI N DEVNANI for the Petitioner.

MR DN PATEL for the Respondent.

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/05/2002

ORAL JUDGEMENT

Rule. Mr.N.J. Shah, for Mr.D.N. Patel, waives service of rule on behalf of the respondent.

With the consent of the parties, the matter is taken up for hearing today.

The petitioner is a passport holder. In the original passport, the birth date mentioned is 15th August, 1982. Therafter, the petitioner, gave an application to the authority on the ground that his correct birth date is 12th July, 1985. For this, the petitioner has relied upon the copy of the extract of the Birth Certificate and that document was not available to the petitioner when he applied for passport earlier and the birth date of 15.8.1982 is posted on the basis of the School Leaving Certificate. The petitioner thereafter realised the said mistake, as, according to the petitioner, his correct birth date is 12.7.1985. The further grievance of the petitioner is that the place of birth is also wrongly shown. In the original passport, the place of birth is shown as `Nar', but, according to the petitioner, the correct place of birth is `Sojitra'. Even as per the Birth Certificate entry, the place of birth is Sojitra.

Under the circumstances, the petitioner also made a representation on 23rd April, 2002, which is at page 10, Annexure `C'. The same is not yet disposed of by the authority.

Considering the facts and circumstances of the case, the Authority is directed to decide the application of the petitioner dated 23rd April, 2002, which is pending before the Authority. The Authority may decide the representation of the petitioner for correcting the birth date and place of birth in accordance with law and as per the Rules, and after considering the necessary evidence on record, may pass appropriate orders in accordance with law. From the evidence on record, if the Authority is satisfied that the grievance of the petitioner is justified and the correct birth date of the petitioner is 12.7.1985 and the correct place of birth is Sojitra, then necessary orders correcting the entry may be passed and on that basis, corrected passport may be given to the petitioner. However, it is for the authority to appreciate the evidence and to pass appropriate order in accordance with law. The decision may be taken expeditiously and preferably within a period of two weeks.

Since the petitioner at the initial stage has not taken care for giving appropriate birth date, and place of birth, the petitioner is directed to pay costs of Rs.2,000/- to the authority. The said amount may be deposited with the Authority within a period of two weeks from today.

The petition is accordingly allowed. Rule is made absolute to the aforesaid extent, with costs quantified as above.

Direct service is permitted.

3rd May, 2002 (P.B. Majmudar, J.)

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(apj)